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To: Quang D. Thanh

Date: 2/21/05

From: James C. Martinec

Application No. 09/994,282

Subject: "Remarks" and reply to Office Action Summary postmarked 1/24/05

I welcome and appreciate your findings and the opportunity for correction.

Replies of Detailed Actions are as follows:

Detailed Action 1- Continued Examination requested.

Detailed Action 2- The new matter "free standing vertical height 12.0 to 22.0 inches" and "free standing width between 24.0 to 28.0 inches" recited in claim 1 and shown in figures 1-2 will be cancelled and will return to the original submitted dimensions.

Detailed Action 3- Punctuation will be corrected as stated.

Detailed Action 4- "an" will replace "the" as stated

Remarks to Claim Rejections:

I have analyzed the similarities and differences between, Ryan and Keller patent design vs. my own "Martinec" said Body Massage Cylinder Apparatus and my conclusions are as follows:

Similarities: Ryan (Device for providing Accupressure Back Massage) Keller (Spinal Massage and Exercise Device) vs.: Martinec (Body Massage Cylinder Apparatus)

1. Ryan (Device for providing Accupressure Back Massage) uses similar ribbed edges in Fig. 4.
2. Keller (Spinal Massage and Exercise Device) uses the body gravity and sliding motion to massage with air inlets to add air or for air pressure adjustment.

Differences:

1. Martinec (Body Massage Cylinder Apparatus) is designed with a uni-body shaped cylinder, Keller (Spinal Massage and Exercise Device) has three sphere shaped air devices attached to a frame, which yields a much different design idea. Ryan (Device for providing Accupressure Back Massage) has six rollers, which attach to a frame also which yield a much different design idea.
2. Martinec (Body Massage Cylinder Apparatus) has no moving parts. Keller (Spinal Massage and Exercise Device) and Ryan (Device for providing Accupressure Back Massage) have many moving parts.
3. Martinec (Body Massage Cylinder Apparatus) is designed high off the ground, which yields safety and easy use and the ability of many different exercises, massages and stretches. Keller (Spinal Massage and Exercise Device) and Ryan (Device for providing Accupressure Back Massage) are lower to ground where hands or fingers might interfere with use and are very limited in variation of use.
4. Martinec (Body Massage Cylinder Apparatus) is designed to collapse with the users weight allowing for much more body area coverage during the massage use. Keller (Spinal Massage and Exercise Device) covers a much narrower body area and Ryan (Device for providing Accupressure Back Massage) is limited by its rails.
5. Martinec (Body Massage Cylinder Apparatus) starts with a wide parallel cylinder edge, making it more of a true cylinder and allowing a wide area for body massage. Keller (Spinal Massage and Exercise Device) starts with very narrow spheres, which is a totally different design idea.

6. Martinec (Body Massage Cylinder Apparatus) is designed with long ribbed or semi cones that fill the outer shell allowing for deep massage taking advantage of the users weight and gravity. Keller (Spinal Massage and Exercise Device) has none.
7. Martinec (Body Massage Cylinder Apparatus) is designed to allow for many other major body sections to be massaged easily. Keller (Spinal Massage and Exercise Device) and Ryan (Device for providing Accupressure Back Massage) are primary designed for the spinal cord section.

Conclusion:

If firmly believe there are great differences between the Martinec (Body Massage Cylinder Apparatus) and the Keller (Spinal Massage and Exercise Device) combined with the Ryan (Device for providing Accupressure Back Massage) due to major overall design differences in the Keller (Spinal Massage and Exercise Device) and Ryan (Device for providing Accupressure Back Massage).

The Martinec (Body Massage Cylinder Apparatus) design is unique and exclusively different in very critical design techniques such as the size and height of the apparatus as well as the capability of one's body to completely submerge into the apparatus allowing for unique and exclusively different full body massages. Many additional stretching and exercises can be performed with the Martinec (Body Massage Cylinder Apparatus) that further differentiates it from all other designs. In closing I believe my apparatus is distinctly different and would appreciate the chance to patent my idea and/or design. Thank you.

Yours truly, James Martinec